

**REMARKS**

The Office Action mailed April 19, 2005 has been received and reviewed. Claims 1-20 are pending. Claims 1-4, 6, 7, 9-16 and 18-20 are rejected over cited references. Claims 5, 8 and 17 are indicated as allowable if rewritten in independent form. Claims 1, 8, 9 and 18 are amended. Claim 7 is cancelled. For the reasons stated below, the Applicant submits that the application is in condition for allowance.

**Rejection Of Claims 1-4, 7, 9-15 And 18-20 Under 35 U.S.C. § 102(b)**

Claims 1-4, 7, 9-15 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pfarrer. As amended, claim 1 requires a pump casing having a volute casing that has a peripheral edge extending from the cutwater to the neck of the discharge for attachment of a perimeter edge of a side liner (drive side and/or suction side). Pfarrer discloses a volute casing having a peripheral edge that extends from the end (or annular flange 75) of the discharge to the annular flange 75 or end of the discharge. Consequently, the perimeter edge of the front and rear side walls of the Pfarrer pump casing extend from the end of the discharge to the end of the discharge, and to the extent that the side walls have a radially extending portion with an increased radius, that portion is located at or oriented toward the neck of the discharge (as seen in FIG. 2), not the cutwater as claimed. Therefore, the structure of Pfarrer is distinct from amended claim 1, and claims 1-4 are not anticipated by Pfarrer for that reason.

Similarly, amended claim 9 requires a volute casing having a peripheral edge extending from the cutwater to the neck of the discharge, and a radially-extending portion oriented toward the cutwater of the casing, neither of which are disclosed by Pfarrer. Thus, claims 9-15 are not anticipated by Pfarrer.

Claim 18 requires a volute section having a curved profile in radial cross section which is not taught by Pfarrer. By contrast, Pfarrer teaches a volute section having a flat or linear wall when viewed in radial cross section (see FIG. 3). Claim 18 also requires a radially-extending portion oriented toward the cutwater which, as previously argued, is not taught by Pfarrer. Therefore, claims 18-20 are not anticipated by Pfarrer.

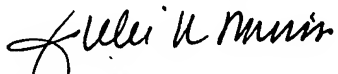
Rejection Of Claims 6 And 16 Under 35 U.S.C. § 103(a)

Claims 6 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfarrer in view of Becker. The Examiner states that Pfarrer discloses all of the claimed elements including a volute section with a peripheral extending profile, but does not disclose an open cutwater configuration which, the Examiner contends, is disclosed by Becker. The Examiner states it would have been obvious to combine the teachings of Becker with Pfarrer to achieve the claimed invention. The rejection is traversed. For the reasons stated above, Pfarrer fails to teach the claimed structure. Additionally, Becker fails to disclose a pump casing having an open cutwater (i.e., where the radius  $R_c$  at the cutwater is greater than the radius of the curvature of the remaining portion of the volute). Becker clearly illustrates a pump casing where the diameter D of the pump is the same or constant, even in the area of the cutwater (7). Therefore, even if Pfarrer were combinable with Becker, the combination would not achieve the pump casing as recited by claims 6 and 16.

**CONCLUSION**

In view of the foregoing amendments and arguments, the Applicant submits that claims 1-6 and 8-20 present patentable subject matter. Reconsideration and allowance are requested.

Respectfully submitted,



Julie K. Morriss  
Registration No. 33,263  
Attorney for Applicant  
MORRISS O'BRYANT COMPAGNI, P.C.  
136 South Main Street, Suite 700  
Salt Lake City, Utah 84101  
Telephone: (801) 478-0071  
Facsimile: (801) 478-0076

Date: July 19, 2005

Attachments: Replacement Sheets (3 pages; FIGS. 1-10)

IN THE DRAWINGS:

Attached to this Amendment are three replacement sheets of drawings comprising the following changes:

- Replacement Sheet of FIGS. 1-3 contains the addition of the legend *PRIOR ART* below each FIG. number as required by the Examiner;

- Replacement Sheet of FIGS. 4-8 contains the addition of the legend *PRIOR ART* below each FIG. number as required by the Examiner;

- Replacement Sheet of FIGS. 9 and 10 contains the addition of reference numeral 86 to FIG. 10 (as described in the specification as filed at paragraph [0041]. FIG. 9 is unchanged.